

N THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09CV276-1-W
3:05CR97

DEJUAN WALKER,)
Petitioner,)
v.) **O R D E R**
UNITED STATES OF AMERICA,)
Respondent.)

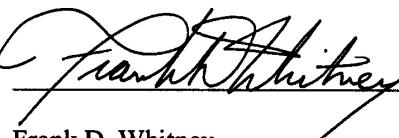
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THIS MATTER comes before the Court upon Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed July 6, 2009.

Pursuant to Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a petitioner must sign his motion under the penalty of perjury. Petitioner did not sign his petition. On August 25, 2009, this Court sent Petitioner an Order informing him of his failure to comply with Rule 2 and further informing him that he had ten days from the filing of the Order in which to file a signed copy of his Motion to Vacate. The Court warned Petitioner that failure to timely submit a signed copy would result in the immediate dismissal of his Motion to Vacate. Well over ten days has passed and Petitioner has not submitted a signed copy of his Motion to Vacate or responded in any manner to the Court's August 25, 2009, Order.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is **DISMISSED without prejudice** for failure to comply with Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

Signed: September 19, 2009



Frank D. Whitney
United States District Judge

